

VA Benefits: Myths and Reality

Many service men and women have proudly served our country over the years. However, many veterans and their families are unaware of the various benefits that they may be entitled to after discharge from military service. Most of the clients we represent have served during World War II, the Korean War or Vietnam. In their golden years, they frequently acquire disabilities unrelated to their military experience. Such disabilities can range from Alzheimer's Disease to Parkinson's Disease and a variety of other ailments which affect a person's ability to accomplish daily activities. There is a little known VA benefit called "Aid and Attendance" (or "Pension"), which when understood and implemented properly, can provide a great benefit to a Veteran or his spouse. Therefore, what follows is a basic outline of the major points involved in Aid and Attendance ("A&A") benefits.

1. Myth: "I have to have been injured in combat to receive VA benefits.
Truth: A&A Benefits are available to veterans who do NOT have a service connected disability. The threshold for benefits is based on a veteran's current disability and needs.
2. Myth: "I can't get benefits because I did not serve overseas."
Truth: The service test for A&A benefits requires only that the veteran served in the armed forces while a conflict recognized by the VA as wartime occurred.
3. Myth: "I already receive a VA benefit, so I can't have other benefits through the VA."
Truth: The VA takes into consideration all benefits to which the veteran is entitled and attempts to provide the greatest net benefit.
4. Myth: "The spouse of a veteran is not eligible for benefits."
Truth: The widow of a veteran who met the service criteria for A&A benefits is frequently eligible for a portion of the veteran's benefit.

Given the above list, it is easy to see that A&A benefits can be available to a wide range of veterans and their spouses. However, there are some financial eligibility guidelines to consider. These guidelines are broken down into two categories:

- A. **Assets:** The veteran (and spouse if married) are limited to \$80,000 of countable resources. This limit does not include the value of their primary residence, one vehicle and other miscellaneous personal property. While this may not seem like a lofty threshold, consider that many of the veterans and their spouses may need benefits and can implement various planning techniques to expedite receiving A&A benefits. While the techniques vary depending on the client's situation, a veteran who is denied these benefits because they are told by the VA that they "have too many assets" should not simply stop their inquiry there. They should

inquire with a VA accredited attorney who can provide options beyond the simple analysis of the veteran's assets as they currently exist. For example, there are various types of trusts that a veteran can utilize to render assets placed within the trust "not countable" for purposes of obtaining the A&A benefit.

- B. **Income:** A&A benefit levels are based upon a veteran's (or spouse's) Unreimbursed Medical Expenses ("UME's") in relation to income. Currently, a veteran may receive a "dollar for dollar" reimbursement for UME's up to a maximum of about \$1,843/month. The benefit for the veteran's widow is a little more than half at about \$998/month. This additional income can make a real difference for a veteran or his spouse who needs care on a regular basis.

For example, a veteran resides in an assisted living facility which costs \$3,500/month. His only source of income is social security and a pension totaling \$2,400/month. By obtaining A&A benefits, the additional \$1,100/month could be subsidized by the VA, resulting in the veteran being able to afford the needed care without having to dip into his remaining savings.

The key to accessing the A&A benefit is to know your rights and structure an estate plan to maximize the opportunity to receive such benefits when the situation arises. An attorney experienced in A&A benefits should be consulted to find out the options.